

Regular Session, 2009

SENATE BILL NO. 261

BY SENATOR DONAHUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STATE AGENCIES. Provides for streamlining state government. (gov sig)

AN ACT

To enact Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:101 through 108, relative to streamlining state government; to provide a procedure for the submission, consideration, approval, and implementation of recommendations of the Commission on Streamlining State Government; to provide for staff support and finances for the commission; to provide for cooperation with and support for the commission; to provide for the applicability of other laws; to provide for termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:101 through 108, is hereby enacted to read as follows:

**PART II. STREAMLINING STATE GOVERNMENT**

**§101. Purpose and findings**

**A. The State of Louisiana faces a severe decline in revenues through fiscal year 2012 which, if no corrective action is taken, will leave a significant funding gap in state government expenditures and will create serious sustainability issues in financing of state obligations.**

1           B. It is essential that the state act now to reduce the cost of state  
2           government, through all means available, including efficiencies, economies,  
3           greater effectiveness, and other means to streamline government in order to  
4           overcome the projected severe revenue reductions occurring through 2012 and  
5           to ensure that available state tax dollars are being spent efficiently and  
6           effectively. Many state agencies were created over thirty years ago and a review  
7           of all agencies and its activities, functions, programs, and services is needed to  
8           determine whether the purpose served by the agency or activity, function,  
9           program, or service continues to be relevant.

10           §102. Definitions

11           As used in this Part, the following terms shall have the following  
12           meanings, unless the context requires otherwise:

13           (1) "Activity" means a distinct subset of functions or services within a  
14           program.

15           (2) "Agency" means and includes any office, department, board,  
16           commission, institution, division, office, instrumentality, officer or other person,  
17           or functional group, heretofore existing or hereafter created, that is authorized  
18           to exercise, or that does exercise, any functions in the executive branch of state  
19           government.

20           (3) "Commission" means the Commission on Streamlining State  
21           Government established by executive order.

22           (4) "Functions" means duties, jurisdiction, powers, rights, and  
23           obligations, conferred or imposed upon, or vested in, any agency by law, or  
24           exercised, performed, or discharged by any agency without contravention of  
25           any provision of law.

26           (5) "Objective" is a specific and measurable target for achievement  
27           which describes the exact results sought, which is expressed in an  
28           outcome-oriented statement that may reflect effectiveness, efficiency, or quality  
29           of work, and which may be either numeric or non-numeric.

1           (6) "Performance indicator" means a statement identifying an activity,  
2           input, output, outcome, achievement, ratio, efficiency, or quality to be measured  
3           relative to a particular goal or objective in order to assess an agency's  
4           performance. Performance indicator shall also mean measurement of any other  
5           aspect of performance as determined by rule issued by the commissioner of  
6           administration under the provisions of the Administrative Procedure Act.

7           (7) "Performance standard" means the expected level of performance  
8           associated with a particular performance indicator for a particular period.

9           (8) "Program" means a grouping of activities directed toward the  
10          accomplishment of a clearly defined objective or set of objectives.

11          (9) "Quality" means degree or grade of excellence.

12          §103. Procedure

13          A. Reports submitted by the Commission on Streamlining State  
14          Government pursuant to this Section may include any of or any combination of  
15          the following:

16               (1) Recommendations to eliminate, streamline, consolidate, privatize, or  
17               outsource constitutional and statutory agency activities, functions, programs,  
18               services, powers, duties, and responsibilities to provide the same or greater type  
19               and quality of activity, function, program, or service that will result in cost  
20               reduction or greater efficiency or effectiveness.

21               (2) Recommendations to ensure that agency activities, functions,  
22               programs, and services are not duplicative and are necessary, meeting or  
23               exceeding performance standards, and meeting the needs of Louisiana citizens.

24               (3) Recommendations for the elimination, consolidation, privatization,  
25               or outsourcing of an agency to provide a more cost efficient or more effective  
26               manner of providing an activity, function, program, or service.

27               (4) Recommendations providing for the use of alternative resources to  
28               the operation of agencies, activities, functions, programs, and services to  
29               provide a more cost-effective manner without impacting the quality or

1        availability of needed services.

2                (5) Recommendations for standards, processes, and guidelines for  
3        agencies to use in order to review and evaluate government activities, functions,  
4        programs, and services to eliminate, streamline, consolidate, privatize, or  
5        outsource.

6                B.(1) The commission shall submit an initial report of its  
7        recommendations, including recommendations requiring legislation or  
8        administrative action, to the governor, the president of the Senate, the speaker  
9        of the House of Representatives, the Senate and Governmental Affairs  
10       Committee, the House and Governmental Affairs Committee, and the  
11       commissioner of administration no later than December 15, 2009.

12               (2) The commission shall prepare the recommendations in the report as  
13       a reorganization plan and submit the plan to the Senate and Governmental  
14       Affairs Committee and the House and Governmental Affairs Committee for  
15       consideration by January 4, 2010. The plan shall be considered without  
16       amendment by the committees, meeting jointly, by February 1, 2010.

17               (3) If approved by each committee, legislative and executive action  
18       necessary to implement the approved reorganization plan shall be taken as soon  
19       as possible.

20               C. The commission shall submit a report annually before January first  
21       consisting of the status and implementation of the reorganization plan approved  
22       by the Senate and Governmental Affairs Committee and the House and  
23       Governmental Affairs Committee to the governor, the president of the Senate,  
24       the speaker of the House of Representatives, the Senate and Governmental  
25       Affairs Committee, the House and Governmental Affairs Committee, and the  
26       commissioner of administration.

27       **§104. Staff support**

28               The staffs of the Senate, House of Representatives, Legislative Fiscal  
29       Office, Legislative Auditor, office of the governor, and division of

1 administration shall provide staff support and otherwise assist the commission  
2 as requested by the commission.

3 **§105. Agency cooperation and assistance**

4 A. Each agency and political subdivision shall furnish aid, services, and  
5 assistance as may be requested by the commission.

6 B. To the extent permitted by and in accordance with R.S. 44:1 et seq.,  
7 each officer, agency, and political subdivision shall make available all facts,  
8 records, information, and data requested by the commission and in all ways  
9 cooperate with the commission in carrying out the functions and duties imposed  
10 by this Part.

11 **§106. Finances**

12 A. The commission may apply for, contract for, receive, and expend for  
13 purpose of this Part any appropriation or grant from the state, its political  
14 subdivisions, the federal government, or any other public or private source.

15 B. The books and records of the commission shall be subject to audit by  
16 the legislative auditor pursuant to R.S. 24:513.

17 **§107. Effect on other law**

18 This Part shall not be deemed to supercede or limit the provisions of Part  
19 XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

20 **§108. Termination of Part**

21 This Part shall become null and of no effect on January 12, 2012.

22 Section 2. This Act shall become effective upon signature by the governor or, if not  
23 signed by the governor, upon expiration of the time for bills to become law without signature  
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
26 effective on the day following such approval.

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

---

#### DIGEST

Proposed law requires that reports submitted by the Commission on Streamlining State Government pursuant to proposed law may include any or any combination of the following:

- (1) Recommendations to eliminate, streamline, consolidate, privatize, or outsource constitutional and statutory agency activities, functions, programs, services, powers, duties, and responsibilities to provide the same or greater type and quality of activity, function, program, or service that will result in cost reduction or greater efficiency or effectiveness.
- (2) Recommendations to ensure that agency activities, functions, programs, and services are necessary, meeting or exceeding performance standards, and meeting the needs of Louisiana citizens.
- (3) Recommendations for the elimination, consolidation, privatization, or outsourcing of an agency to provide a more cost efficient or more effective manner of providing an activity, function, program, or service.
- (4) Recommendations providing for the use of alternative resources to the operation of agencies, activities, functions, programs, and services to provide a more cost-effective manner without impacting the quality or availability of needed services.
- (5) Recommendations for standards, processes, and guidelines for agencies to use in order to review and evaluate government activities, functions, programs, and services to eliminate, streamline, consolidate, privatize, or outsource.

Proposed law requires that the commission submit an initial report of its recommendations, including recommendations requiring legislation or administrative action, to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration no later than 12/15/09. Proposed law requires that the commission prepare the recommendations in the report as a reorganization plan and submit the plan to the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee for consideration by 1/4/10. Proposed law requires that the plan be considered without amendment by the committees, meeting jointly, by 2/1/10. Proposed law requires that if approved by each committee, legislative and executive action necessary to implement the approved reorganization plan be taken by as soon as possible.

Proposed law requires that the commission provide a report annually before January first consisting of the status and implementation of the reorganization plan approved by the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration.

Proposed law provides that the staffs of the Senate, House of Representatives, Legislative Fiscal Office, Legislative Auditor, office of the governor, and division of administration shall provide staff support and otherwise assist the commission as requested by the commission.

Proposed law requires that each agency and political subdivision furnish aid, services, and assistance as may be requested by the commission. Proposed law requires, to the extent permitted by the public records law, that each officer, agency, and political subdivision make

available all facts, records, information, and data requested by the commission and in all ways cooperate with the commission in carrying out the functions and duties imposed by proposed law.

Proposed law authorizes the commission to apply for, contract for, receive, and expend for the purpose of proposed law any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source. Further, proposed law provides the books and records of the commission are subject to audit by the legislative auditor.

Provides that proposed law shall not be deemed to supercede or limit present law regarding the review and recreation of state agencies.

Proposed law shall become null and of no effect on January 12, 2012.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 24:101-108)